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By: **Chairman, Education, Health, and Environmental Affairs Committee**  
**(By Request - Departmental - Natural Resources)**

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Recommitted to Education, Health, and Environmental Affairs, March 5, 2003

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Roadside Trees - Permit Requirements**

3 FOR the purpose of ~~establishing certain additional requirements for obtaining a~~  
4 ~~permit for cutting down or trimming~~ authorizing the Department of Natural  
5 Resources, under certain circumstances, to issue a permit for certain activities  
6 related to certain roadside trees; prohibiting the Department from applying  
7 certain criteria to certain permit applicants; requiring the Department to issue  
8 certain permits at a certain time; authorizing the Department to condition  
9 certain permit performance in a certain way; altering a certain definition;  
10 making certain technical corrections; and generally relating to ~~the cutting down~~  
11 ~~and trimming of permits for activities related to roadside trees.~~

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 5-401 and 5-406  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

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## Article - Natural Resources

2 5-401.

3 In this subtitle, [roadside tree] "ROADSIDE TREE" means [any] A tree or shrub  
 4 [growing within] THAT IS LOCATED ON the right-of-way of [any] A public road,  
 5 REGARDLESS OF WHETHER THE RIGHT-OF-WAY IS OWNED IN FEE OR IN EASEMENT.

6 5-406.

7 (a) ~~Any person who desires to cut down or trim any roadside tree shall apply~~  
 8 ~~to the Department for a permit, except that:~~

9 ~~(1)~~ if

10 (1) EXCEPT AS AUTHORIZED UNDER PARAGRAPH (2) OF THIS  
 11 SUBSECTION, A PERSON MAY NOT CUT DOWN, TRIM, MUTILATE, OR IN ANY MANNER  
 12 INJURE A ROADSIDE TREE WITHOUT A PERMIT ISSUED BY THE DEPARTMENT.

13 (2) (I) IF a ROADSIDE tree is unrooted or its branches broken so as to  
 14 contact telephone, telegraph, electric power, or other wires carrying electric current,  
 15 or if the ROADSIDE tree or its branches endanger persons or property, the ROADSIDE  
 16 tree or its branches may be removed without first obtaining a permit from the  
 17 Department;~~and.~~

18 ~~(2)~~ ~~a~~(II) A ROADSIDE tree standing within the right-of-way of a public  
 19 road which has not been surfaced with either stone, shell, gravel, concrete, brick,  
 20 asphalt, or other improved surface may be cut down and removed by the abutting  
 21 landowner for his THE LANDOWNER'S own use without first obtaining a permit.

22 (b) ~~A person may not cut down, trim, mutilate, or in any manner injure any~~  
 23 ~~roadside tree, except as authorized by this section, without a permit from the~~  
 24 ~~Department.~~

25 ~~(C) TO OBTAIN A PERMIT UNDER THIS SECTION, A PERSON SHALL~~  
 26 ~~DEMONSTRATE THAT THE PROPOSED TREE CARE~~

27 (1) EXCEPT AS SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION,  
 28 THE DEPARTMENT MAY ISSUE A PERMIT UNDER THIS SECTION IF THE PROPOSED  
 29 ACTIVITY WILL:

30 ~~(1)~~ (I) ELIMINATE A HAZARD TO PROPERTY, PUBLIC SAFETY, OR  
 31 PUBLIC HEALTH;

32 ~~(2)~~ (II) IMPROVE OR PREVENT A DETERIORATED ~~TREE~~ CONDITION OF  
 33 A ROADSIDE TREE; OR

34 ~~(3)~~ (III) IMPROVE THE GENERAL AESTHETIC APPEARANCE OF ~~THE A~~  
 35 RIGHT-OF-WAY.

1 ~~(D) THE REQUIREMENTS OF THIS SECTION SHALL APPLY WHETHER THE~~  
2 ~~ROADSIDE TREE IS LOCATED ON PUBLIC OR PRIVATE PROPERTY.~~

3 (2) (I) IN THIS PARAGRAPH, "PUBLIC SERVICE COMPANY" HAS THE  
4 MEANING STATED IN § 1-101(W) OF THE PUBLIC UTILITY COMPANIES ARTICLE.

5 (II) WHEN A PUBLIC SERVICE COMPANY OR THE AGENT OF A  
6 PUBLIC SERVICE COMPANY APPLIES FOR A PERMIT TO TRIM A ROADSIDE TREE, THE  
7 DEPARTMENT:

8 1. MAY NOT APPLY THE CRITERIA UNDER PARAGRAPH (1) OF  
9 THIS SUBSECTION AS TO THE ISSUANCE OF THE PERMIT;

10 2. SHALL ISSUE THE PERMIT PROMPTLY; AND

11 3. MAY CONDITION PERFORMANCE UNDER THE PERMIT AS  
12 NECESSARY TO COMPLY WITH APPLICABLE REGULATIONS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2003.